

GOVERNMENT'S REQUEST NO.

Indictment: Persons Not Charged

You are here to determine the guilt or innocence of the defendants from the evidence in this case. You are not called upon to return a verdict as to the guilt or innocence of any other person or persons. You may not draw any inference, favorable or unfavorable, toward the government or the defendants, from the fact that other persons were not named as defendants in the indictment, and you should not speculate about the reasons for this.

So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the defendants, then you should find the defendants guilty, even though you may believe one or more other persons are also guilty.

1A O'Malley, Grenig & Lee,, Federal Jury Practice and Instructions, § 12.11 (5th ed. 2000); U.S. v. Thomas, 998 F.2d 1202, 1205 (3d Cir. 1993).